

Serial No. 10/574,800

Attorney Docket No. 24-033-TN

REMARKS

Claims 1 and 28-31 are pending. Claims 2-27 have been canceled. The applicants respectfully request reconsideration and allowance of this application in view of the above amendments and the following remarks.

Claims 1, 4-7, and 28-31 were rejected under 35 USC 112, second paragraph, as being indefinite. The applicants respectfully request that this rejection be withdrawn for the following reasons.

The claims were said to be indefinite for being unclear as to which surface of the substrate has the gas passing channels and to the location of the edges. Claim 1 has been amended to introduce a front face, a rear face and edges. The edges are recited as being at the periphery of the substrate and extending between the front and rear faces. As a result, the claims are considered to be definite, and this rejection should be withdrawn.

Claims 1, 4-7, and 28 were rejected under 35 USC 102(e) as being anticipated by US 20030077423 to Flannigan *et al.* (hereafter, Flannigan). Claims 4-7 have been canceled and thus will not be discussed. As for claims 1 and 28, the applicants respectfully request that this rejection be withdrawn for the following reasons.

In Flannigan, the channels of the cap layer (backing) do not continue as far as side edges of the cap layer, because the channels may contain agents, inks, liquids, gels or the like (See, for example, claims 11, 13, 16 and 17 of Flannigan). If the channels of the cap layer continue as far as side edges of the cap layer, the channels cannot contain the agents, and the agents would leak outside of the cap layer. Therefore, in the laminate of Flannigan, air cannot escape through the

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channels of the cap layer to the outside of the laminate. That is, the structure and the effect of the cap layer in Flanigan are different from those of the substrate of the present invention.

Further, the adhesive of Flanigan can optionally include foaming agents. However, in an adhesive layer made from an adhesive that includes foaming agent, the penetrating passages penetrate through the adhesive layer not only in a thickness direction. In an adhesive layer that includes foam passages, the passages would be random and would include some that penetrate the adhesive layer from the adhesive surface to the side edges of the adhesive layer. If there are such passages in the adhesive layer, air between an adherend and the adhesive surface escapes through the penetrating passages, and gas-passing channels (recesses) are not needed in the substrate.

Therefore, the structure of the adhesive layer in Flanigan is different from the pressure-sensitive adhesive layer of the present invention, in which passages penetrate-through the pressure-sensitive adhesive layer only in a thickness direction.

In addition, claim 1 now recites that the passages are formed by laser processing. Flanigan describes laser ablation in the paragraph 0078, but the laser ablation is a method for creating the topography, not for forming penetrating passages. That is, Flanigan does not disclose a pressure-sensitive adhesive layer that has penetrating passages formed by laser processing. The configuration of a penetrating passage formed by laser processing is clearly different from the configuration of a penetrating passage formed by a foaming agent.

For at least these reasons, claim 1 cannot be anticipated by Flanigan, and this rejection should be withdrawn.

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Claims 29-31 were rejected under 35 USC 103(a) as being unpatentable over Flanigan. Claims 29-31 depend on claim 1, directly or indirectly. Therefore, claims 29-31 should be patentable at least based on their dependency for the reasons given above.

Claims 1, 4-6, 29, and 31 were rejected under 35 USC 102(b) as being anticipated by or under 35 USC 103(a) as being unpatentable over US 4906240 to Reed *et al.* (hereafter, Reed). Claims 4-6 have been canceled and thus will not be discussed. As for claims 1, 29 and 31, the applicants respectfully request that this rejection be withdrawn for the following reasons.

Reed discloses a porous absorbent sheet 12 as a substrate. The porous absorbent sheet 12 has pores 14 in contact with the adhesive layer 30 through openings 22 (See column 6, lines 44-46). However, according to Fig. 1 and Fig. 3, the pores 14 are independent pores and they are not connected each other. Therefore, the pores 14 do not continue as far as side edges of the porous absorbent sheet 12, and air does cannot escape through the pores 14 to the outside of the porous absorbent sheet 12, as required by claim 1. That is, the structure of the absorbent sheet 12 in Reed is different from the presently claimed substrate, and the advantages of the substrate of the present invention are not achieved by the absorbent sheet 12 of Reed.

Claims 29, and 31 depend on claim 1 and are considered to be patentable over Reed for at least the reasons given above.

Entry of this amendment is respectfully requested because the amendment is considered to place the application in condition for allowance.


In view of the foregoing, the applicants submit that this application is in condition for allowance. A timely notice to that effect is respectfully requested. If questions arise, the examiner is invited to contact the undersigned by telephone.

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If there are any problems with the payment of fees, please charge any underpayments and credit any overpayments to Deposit Account No. 50-1147.

Respectfully submitted,


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